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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Charles O. Townley
Serial No. 10/758,455
Filing Date 01/15/2004
Applicant's Docket No. THUMB-604DIV
MODULAR BASAL THUMB JOINT IMPLANT

On appeal from Art Unit 3738
Primary Examiner
Brian E. Pellegrino

Supplement to BriefsCommissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence (6 pages total) is facsimile-transmitted to the Patent and Trademark Office (571-273-8300) on January 11, 2011:

Christopher John Rudy:

1/11/2011.

In supplement to the Brief for Appellant filed on February 8, 2008; the Corrected Brief by Replacement Brief Section filed on June 12, 2008; the Supplemental Appeal Brief for Appellant filed on April 7, 2009; the Reply Brief of Appellant filed on July 23, 2009; and the Incorporation of Reply Brief of Appellant filed on October 7, 2009 – please consider the present paper.

Regarding the Related Appeals and Interferences

In addition to Appeal Nos. 2003-0155 and 2007-0570, copies of decisions of which are of record herein, a third appeal in parent application No. 09/352,472 (Appeal No. 2010-000490 decided about January 4, 2011) may have a bearing on the present appeal. A copy of the DECISION ON APPEAL in the last-noted appeal is attached.

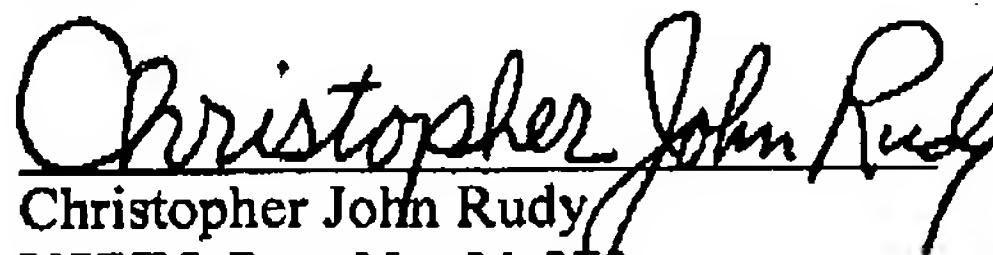
Comment

It is submitted that no prima facie case was actually made out in the parent application with respect to the third appeal noted above. A supposition, “*arguendo*,” is understood to be for the sake of argument as a preliminary matter without endorsement.

Conclusion

Reversal of the remaining rejections continues to be in order and is requested.

Respectfully,

Dated: January 11, 2011 A.D.

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Attmt (Related Proceedings Appendix (Supplement) of 5 pages, numbered RPA-23 to RPA-27)